REMARKS

In response to the Office Action mailed August 31, 2010, the application has been carefully reviewed and amended. Entry of this amendment and reconsideration of the application is respectively requested. Claims 1 – 18 are pending in the application.

Claims 1 and 18 stand rejected under 35 U.S.C. 103(a) in view of the combination of Smith an Inami. The Office Action admits that Smith fails to disclose wherein said computational element includes a dormancy feature for at least one of said plurality of items, the dormancy feature being activated so that an associated parameter for one or more of the plurality of items is placed in a dormant states so such associated parameters do not become a trigger point from the tracking device to generate an order for said one or more items.

Inami however is said to teach a method of preventing a redundant order by the second and subsequent remaining amount detection processes for a single cartridge. Paragraph 77 is said to describe this feature. Paragraph 77 is part of a larger section of the Inami application that states as follows:

> [0076] A method of preventing redundant orders by the second and subsequent remaining amount detection processes for a single cartridge in this embodiment will be described below.
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> [0077] In this embodiment, the number of printed dots is accumulated (pixel count) to have a cancel timing of remaining amount detection as a start point, and whether or not the order placement system is launched is determined in accordance with the remaining amount detection and its accumulated value.
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> [0078] This feature will be explained in detail below using FIGS. 5A and 5B. FIG. 5A shows a change in remaining amount of toner in a process cartridge, and shows a case wherein an old process cartridge is replaced by a new one when the toner remaining amount has become zero. FIG. 5B shows a pixel count value, which begins to be counted at the operation start timing of remaining amount detection with respect to the toner remaining amount shown in FIG. 5A. The abscissa in FIGS. 5A and 5B plots time, the ordinate in FIG. 5A plots the toner remaining amount, and that in FIG. 5B plots the count value.
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> [0079] In this embodiment, the pixel count value is used as a reference upon determining whether or not the order placement system is launched, and the order placement system is allowed to be launched after timing tP at which the pixel count value has reached a value when toner in the developing device has been consumed about 50%. That is, the order placement system is inhibited from being launched during a period Th from timing tL of remaining amount detection until timing tP at which the pixel count value has reached a value when toner in the developing device has been consumed about 50%.
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> [0080] In general, remaining amount detection is programmed to work

when toner in the developing device has been consumed 70 to 90% of the total capacity. In this embodiment, detection is made when toner has been consumed by an amount corresponding to 70% of the total capacity.
[0081] In FIG. 5A, t0 indicates the first use timing of the image forming apparatus, and process cartridge 1 is attached to the image forming apparatus at this time. The toner remaining amount of process cartridge 1 decreases as printouts are formed, and when the remaining amount detection works at timing tL, the order placement system is launched to execute an order placement procedure of an expendable. In addition, the language of "expendable" in this case of the embodiment and other cases of the embodiment can be transposed to the language of "consumable".
[0082] The user detaches process cartridge 1 from the image forming apparatus main body after tL, shakes it to the right and left, attaches the cartridge again to temporarily cancel a remaining amount alarm, and uses that cartridge again. *As shown in FIG. 5B, a pixel count process starts from a count value 0 at timing tL, and the order placement system is inhibited from being launched until the count value reaches a value when the toner is consumed 50% of the total capacity. Therefore, even when the old process cartridge is used and the remaining amount detection works again, redundant orders of an expendable can be prevented being placed since the order placement system is inhibited from being launched.*
[0083] After process cartridge 1 is attached again and is continuously used, the toner remaining amount runs short, and dot omissions occur frequently. Hence, the user replaces process cartridge 1 by new process cartridge 2 at timing t1. After that, the user forms printouts using process cartridge 2. When the toner remaining amount of process cartridge 2 runs short and the remaining amount detection works, the image forming apparatus recognizes that pixel count value shown in FIG. 5B has already exceeded a determination reference value, and also that the order placement system launch inhibition period Th has been exceeded. Hence, the order placement system is launched to execute an order placement procedure.
[0084] In this manner, this embodiment uses a pixel count value corresponding to the number of printed dots as a value used to estimate the amount of consumed toner. Of course, the present invention is not limited to the pixel count value itself, and the toner amount may be estimated using a value based on the pixel count value, which is obtained by correcting the pixel count value by predetermined arithmetic operations.

(Emphasis Supplied)

It appears clear that there is no dormancy feature here. Instead what appears to be happening in Inami is the provision of an adjustment to an active tracking system to accommodate a certain well anticipated situation where the system might detect signals that suggest that a device has been replaced with a new one – when this has in fact not been done. There is no dormancy here. The system continues active monitoring that includes a trap that prevents the system from unnecessarily ordering too soon. The system is never placed in a dormant

state where the dormant item does not become a trigger point for the tracking device to generate an order for the dormant items. The item of Inami always remains active.

Accordingly, the combination of Smith et al. with Inami does not anticipate or suggest what is claimed and, instead, the emphasis of Inami on the idea of providing continuing monitoring teaches away from what is claimed.

For these reasons, claim 1, and all claims that depend therefrom are believed to be allowable over the cited combination . Further, for similar reasons, claim 18 and all claims that depend therefrom are believed to be allowable over the cited combination.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the Examiner is invited to call the undersigned counsel for the purpose of discussing such amendments and expediting prosecution of this application towards allowance.

Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.